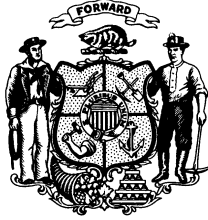


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CLEARINGHOUSE RULE 95-077

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The structure of s. NR 1.40 (2) is confusing. First, because the first sentence of the subsection does not grammatically lead into following subunits, the introductory material should be renumbered as par. (a). Paragraphs (a) and (b) then should be renumbered as pars. (b) and (c). However, this renumbering does not mask the question of whether existing projects receive greater priority than the projects listed in the paragraph titled "High Priority." Perhaps a clearer method of setting out the priorities would be as follows:

NR 1.40 (2) Projects under this section will be undertaken based on the following descending order of priority:

(a) Consolidation and completion of existing projects.

(b) New acquisition projects based on the following criteria listed in descending order of priority:

1. ...

...

6. ...

(c) Any of the following projects:

1. ...

...

5. ...

b. In s. NR 1.40 (2) (a) 1., in order to maintain consistency, a semicolon should be inserted after the word “communities” and the second occurrence of the word “land” should be deleted.

c. In s. NR 1.40 (2) (a) 2., “and” or “or” should be inserted after the second semicolon in the second line.

4. Adequacy of References to Related Statutes, Rules and Forms

In the “statutes interpreted” provision, reference should also be made to s. 23.09 (2dm), Stats., which requires the department to establish a higher priority for the acquisition of lands within the boundaries of projects established on or before January 1, 1998 and requires at least \$1.72 million in each fiscal year for acquisition of lands within the boundaries of projects established after January 1, 1988.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. NR 1.40 (2) (a) 5., high priority is given to land within 40 miles of “Wisconsin’s largest population centers.” A note or some other reference should be included to indicate what those population centers are. The provision also states that if funding limits the ability to purchase available lands within “existing urban areas,” then preference will be given to “rural lands near population centers.” It is unclear whether “urban areas” are lands within 40 miles of the 12 largest population centers or lands within those population centers. Also, what are “rural lands near population centers”?